

Application No. 10/728,593  
Amendment dated September 21, 2005  
Reply to Office Action mailed June 21, 2005

### **REMARKS/ARGUMENTS**

Applicants have carefully reviewed the Office Action dated June 21, 2005, regarding the above-referenced patent application. Claims 1, 2, 11, 12, and 18 have been amended and claims 3 and 13 have been canceled. Support for the amendments is found in the specification, claims, and drawings as originally filed at, for example, page 7, lines 9-12. Claims 1, 2, 4-12, and 14-20 are pending in the application, with claims 19 and 20 withdrawn from consideration. Claims 1-4, 6-14 and 16-18 stand rejected by the Examiner. Applicants respectfully request favorable reconsideration.

#### **Allowable Subject Matter**

Applicants thank the Examiner for indicating that claims 5 and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claim.

#### **Rejection under §103(a)**

Claims 1, 2, 6-12, and 16-18 are rejected under 35 U.S.C. §103(a) as being unpatentable over Rudolph (US 2,809,002) in view of DiMarco (US 6,654,253) or Zetena, Jr. (US 5,243,802). Applicants respectfully traverse the rejection.

Independent claims 1, 11, 12, and 18, as amended, recite a hanger assembly and method involving a screw pre-disposed and captivated within an opening in a flange, where captivation is achieved by threading on the screw threadingly engaging the outer perimeter of the opening. None of Rudolph, DiMarco, or Zetena, Jr. appears to teach or suggest such elements. Rudolph teaches a hanger for electrical fixtures with a series of mounting holes 33, 39. Rudolph does not teach any specific mounting means, but Fig. 1 appears to show nails used to mount the hanger to supports 21, 22. Rudolph thus fails to teach or suggest each and every element of the claims.

DiMarco teaches an insertion extraction device with a flexible sleeve, in which a partially threaded mandrel 800 with a keeper member 802 is inserted through a hole in a module 40 to attach the module to a fixed structure 20. See FIG. 8 and column 5, lines 17-23. DiMarco does not appear to teach the mandrel 800 as being configured such that threading

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engages the outer perimeter of the hole to achieve captivation of the mandrel, as is recited in the claims. DiMarco specifically teaches a keeper member 802 for captivating the mandrel 800 to module 40. See column 5, lines 19-20. DiMarco thus does not teach or suggest the claim elements lacking in Rudolph. Additionally, Applicants submit that there is no motivation for one of ordinary skill in the art to modify the device of Rudolph according to the teachings of DiMarco. Rudolph is directed to a hanger for permanently mounting electrical fixtures in a building, while DiMarco is directed to an insertion extraction device for removably attaching an electronics module such as an avionics system to an airplane cabinet. Applicants submit that one of skill in the art of mounting electrical fixtures in buildings would not be motivated to look to the avionics art for modifications.

Zetena, Jr. teaches a wallboard bracket in which an unthreaded collar 25 is formed on the back side of the front bracket piece 21 to retain screws perpendicular to the bracket. See column 2, lines 13-23. Because Zetena, Jr. teaches an unthreaded retaining collar 25, the reference cannot be deemed to teach or suggest an assembly in which a screw is captivated by threading engagement with the outer perimeter of the opening in the flange, as recited in the claims.

None of Rudolph, DiMarco, or Zetena, Jr., either alone or in combination, teach the elements of the independent claims, or the claims dependent thereon. Withdrawal of the rejection is respectfully requested.

Claims 3 and 13 are rejected as being unpatentable over Rudolph in view of Zetena, Jr. Claims 3 and 13 have been canceled, rendering the rejection moot. Elements of claims 3 and 13 have been incorporated into claims 1 and 11, respectively. The Examiner asserts that it would have been obvious to provide the device shown by Rudolph with a threading engagement as shown by Zetena, Jr. for presecuring the fastener means. Independent claims 1, 11, 12, and 18, as amended, recite a hanger assembly in which a screw is captivated by threading engagement with the outer perimeter of the opening in the flange. Zetena, Jr. teaches presecuring a screw in an unthreaded collar 25. The threading engagement taught by Zetena, Jr. is with the retaining pawls 11 that are separate parts from the bracket 21. Thus, even if one were to combine the teachings of Rudolph and Zetena, Jr., one would not achieve the claimed invention. Withdrawal of the rejection is respectfully requested.

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Claims 4 and 14 are rejected as being unpatentable over Rudolph in view of DiMarco. For at least the reasons set forth above, Rudolph fails to teach the basic elements of the independent claims, and DiMarco does not provide what Rudolph lacks. Withdrawal of the rejection is respectfully requested.

**Conclusion**

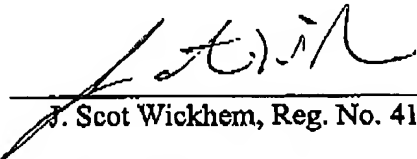
Reexamination and reconsideration are respectfully requested. It is submitted that the pending claims are currently in condition for allowance. Issuance of a Notice of Allowance in due course is anticipated. If a telephone conference might be of assistance, please contact the undersigned attorney at 612.677.9050.

Respectfully submitted,

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By their attorney,

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